

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:10-CR-2-D-1
No. 4:11-CV-163-D

KENNETH EARL WOOTEN,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

On July 3, 2014, Kenneth Earl Wooten (“Wooten”) filed a motion to set aside this court’s order of August 20, 2012. See [D.E. 42]. Fed. R. Civ. P. 60(b)(6). In this court’s order of August 20, 2012, the court denied Wooten’s motion for relief under 28 U.S.C. § 2255. See [D.E. 40]. Wooten did not appeal.

Wooten’s Rule 60(b) motion presents nothing new and lacks merit. See, e.g., Whiteside v. United States, No. 13-7152, 2014 WL 7245453 (4th Cir. Dec. 19, 2014) (en banc). Moreover, Wooten has not received authorization from the United States Court of Appeals for the Fourth Circuit to file his Rule 60(b)(6) motion. Thus, the court lacks jurisdiction to consider it. See United States v. Winestock, 340 F.3d 200, 206–07 (4th Cir. 2003).

In sum, Wooten’s motion for relief under Rule 60(b)(6) [D.E. 42] is DISMISSED. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c).

SO ORDERED. This 12 day of January 2015.


JAMES C. DEVER III
Chief United States District Judge